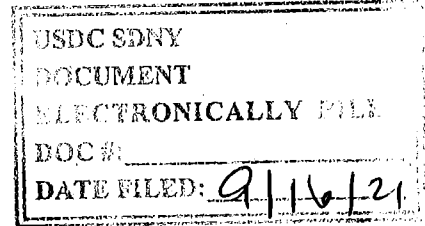


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



LUIS A. VAZQUEZ-DIAZ,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.

21-CV-6757 (VB)

ORDER TO ANSWER, 28 U.S.C. § 2241

VINCENT L. BRICCETTI, United States District Judge:

The Court, having examined the petition in this action, which Petitioner filed pursuant to 28 U.S.C. § 2255, hereby ORDERS that:

Because Petitioner is in federal custody, but not pursuant to a federal judgment of conviction or sentence, the Court construes his § 2255 motion as a *habeas corpus* petition under 28 U.S.C. § 2241. *See Stantini v. United States*, 140 F.3d 424, 426 (2d Cir. 1998).

The Court directs the Clerk of Court to electronically notify the Civil Division of the U.S. Attorney's Office for the Southern District of New York that this order has been issued.

Within sixty days of the date of this order, the U.S. Attorney's Office shall file an answer or other pleadings in response to the petition. Specifically, the U.S. Attorney's Office shall address whether this Court has jurisdiction over the instant habeas petition. Petitioner may file reply papers, if any, within thirty days from the date Petitioner is served with Respondent's answer.

SO ORDERED.

Dated: September 16, 2021
White Plains, New York

A handwritten signature in black ink, appearing to read "Vincent Briccetti".

VINCENT L. BRICCETTI
United States District Judge